

**REMARKS****INTRODUCTION**

In accordance with the foregoing, claim 4 has been canceled, without prejudice or disclaimer and claims 1 and 5 have been amended. No new matter has been submitted.

Claims 4 and 5 had been indicated as including allowable subject matter. Independent has been amended to include features from canceled dependent claim 4, and claim 5 has been amended to depend from independent claim 1. Therefore, it is respectfully submitted that independent claim 1, and the depending claims thereof, are in proper condition for allowance.

Claims 1-3 and 5-13 are pending and under consideration.

**REJECTION UNDER 35 USC 102**

Claims 1-3, 6 and 9-12 stand rejected under 35 USC § 102(b) as being anticipated by Bork, U.S. Patent No. 6,255,800. This rejection is respectfully traversed.

As independent claim 1 has been amended to include allowable subject matter, this traversal will focus on the remaining rejected claims.

Independent claim 6 sets forth "[a] wireless mouse that transmits wireless signals to a receiver connected to a computer so as to move a cursor through a display screen of the computer, the wireless mouse comprising: a rechargeable secondary battery cell; charging terminals that connect to charging terminals disposed on the receiver when the wireless mouse is set on the receiver, such that when so set the rechargeable secondary battery cell is charged using electric power supplied from the computer; and a connector terminal for connecting to the computer to transmit signals to the computer so as to move the cursor through the display screen."

Thus, independent claim 6 at least discloses a wireless mouse to transmit wireless signals to a receiver, and to transmit signals to the computer through a connector terminal, so as to move the cursor through a display screen.

Similarly, independent claims 9 and 13 sets forth that the wireless mouse is capable of transmitting wireless signals to a receiver connected to a computer as to move a cursor through a display screen of the computer. Independent claim 11 sets forth that the receiver connected to the computer receives wireless signals transmitted from the wireless mouse as to move the

mouse as to move the cursor through the display screen.

Although some of these features may be recited in the preambles of each claim, the same features still impose structural limitations on the same, and are therefore required to be considered. As is clear from MPEP §2111.02, even if functional features are recited in the preamble, if they give life to the claimed invention or thereby impose structural limitations or capabilities on the claim as a whole, then the claimed features must be given sufficient weight, searched, and addressed in any rejection of the claim. Thus, regardless of where these features are disclosed, the same must be considered and addressed in the rejection of the same.

The Office Action sets forth that Bork teaches a "wireless unit" and relies on FIG. 13 of Bork, as well as col. 5, lines 60-64, col. 7, line 51 through col. 8, line 16, to disclose the wireless unit being a wireless mouse.

Bork sets forth a bluetooth RF receiver and charging station for legacy computers that are not bluetooth enabled. FIG. 13 of Bork illustrates such a legacy computer (PC 10) connected to the RF receiver (46) and that such a computer, now enabled to be bluetooth capable, can communicate with other bluetooth RF systems.

The invention of Bork is directed toward providing bluetooth capabilities to legacy computers.

In addition, a secondary purpose of Bork is to enable non-bluetooth capable devices to also be placed in a cradle of the Bluetooth RF receiver, and presumably thereby able to communicate with the computer and be Bluetooth enabled as well.

FIGS. 13 and 14 of Bork clearly illustrates these disclosures of Bork. In FIG. 13, PC 10 is connected to cradle 46, which thereby enables PC 10 to be bluetooth capable. With PC 10 now being bluetooth capable, PC 10 can thereby communicate with other bluetooth enabled devices 50. Similarly, FIG. 14 illustrates PC 10 being enabled to receive bluetooth signals through cradle 46, e.g., signals from bluetooth devices 50, and illustrates a non-bluetooth capable mobile device being placed in the cradle for communication with PC 10 and presumably bluetooth capability.

The Office Action relies on the specification of Bork reciting that the other bluetooth enabled devices 50 in FIGS. 13 and 14 disclose the claimed wireless mouse, noting that the specification would only appear to indicate that such bluetooth enabled devices 50 may be another computer system, a PDA, or a keyboard, and would not appear to recite mouse.

Regardless of Bork failing to disclose the device 50 being a wireless mouse, it is respectfully submitted that the cradle 46 is not designed to accommodate device 50. Thus, Bork fails to disclose the claimed interrelationship between the claimed wireless mouse and receiver, as the receiver in Bork is not for the secondary device 50, as proffered in the Office Action. As secondary device 50 already is bluetooth capable, secondary device 50 already has a corresponding receiver and/or charging station, not associated with cradle 46 of Bork. In addition, Bork would appear to disclose the addition of a non-bluetooth device to the cradle 46, e.g., a wireless telephone or PDA, as mobile device 52.

Accordingly, it is noted that independent claims 6, 9 and 13 clearly claim the wireless mouse, while Bork fails to disclose or suggest any of the claimed features for the same. Rather, as secondary device 50 has been proffered in the Office Action as corresponding to the claimed wireless mouse, and as Bork fails to disclose any features of the secondary device 50 or the features of a corresponding mouse, Bork fails to disclose the features of these claims.

Similarly, independent claim 11 is directed toward a receiver connected to a computer with the receiver receiving wireless signals from the wireless mouse, and the receiver designed to physically accommodate the wireless mouse, etc. As pointed out above, secondary devices 50 of Bork are not accommodated in cradle 46. Therefore, Bork fails to disclose the features of the same.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 1-3, 6 and 9-12 be withdrawn and claims 1-3, 6 and 9-12 be allowed.

#### REJECTION UNDER 35 USC 103

Claims 7 and 8 stand rejected under 35 USC § 103 as being obvious over Bork, in view of Glaser, U.S. Patent No. 6,392,671. This rejection is respectfully traversed.

The Office Action merely sets forth that Glaser discloses a wireless mouse with a solar panel.

Thereafter the Office Action concludes that it would have been obvious to modify the secondary wireless device 50 of Bork to include solar panels, "because utilizing a solar cell for recharging a secondary battery eliminates the need for an external charging source."

The Office Action is absent of any support for such a motivation. Further, the Office Action is absent of any support that such a feature is desirable in Bork or that Bork could even be modifiable for the same. Rather, the Office Action is relying completely on the Examiner's

opinion that it would have been obvious to add a solar panel to the secondary device 50 of Bork.

Further, as noted above, Bork sets forth practically no enablement of the secondary devices 50, other than those devices being bluetooth capable. Without any further discussion in Bork, it is respectfully submitted that there is insufficient knowledge of such secondary devices 50 that the proffered modification of the same cannot be supported by the record.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 7 and 8 be withdrawn and claims 7 and 8 be allowed.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1/2/04

By: 

Stephen T. Boughner  
Registration No. 45,317

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501